

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr51

UNITED STATES OF AMERICA,)

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vs.

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JEFFREY ALAN ARTHUR.)

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ORDER

THIS MATTER is before the Court on the Motion to Continue Docket Call/Trial [Doc. 76] and the Motion for Extension of Time to File Plea Agreement [Doc. 77].

On June 2, 2009, the Defendant was charged in a Bill of Indictment along with five co-Defendants with conspiracy to manufacture and possess with intent to distribute at least 500 grams of methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(a)(1). [Doc. 3]. The Defendant's initial appearance was held on July 9, 2009, at which time counsel was appointed. The Defendant's arraignment was held on July 13, 2009. Thereafter, his case was placed on the Court's August 31, 2009 calendar for trial.

On August 13, 2009, the Defendant's counsel filed a Motion to Withdraw and a Motion for Substitution of Counsel. [Docs. 72, 73]. The Honorable Dennis L. Howell, United States Magistrate Judge, held an ex parte hearing on the status of counsel in this matter of August 17, 2009. Judge Howell denied counsel's motions.

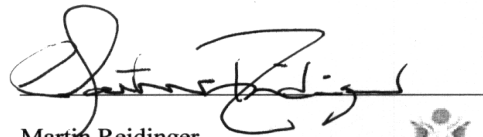
The Defendant now moves for a continuance of the trial date or, in the alternative, for an extension of time until August 31, 2009, to file a plea agreement in this case. [Docs. 76, 77]. For grounds, counsel states that the deadline for filing a plea agreement passed on August 14, 2009, but that counsel for the Government was out of the country and unavailable to discuss this matter from August 10 to August 24, 2009. Counsel further states that the Defendant has not had a full opportunity to view the discovery in his case. Counsel states that the Government does not oppose the Defendant's request for a continuance. [Id.].

The Court finds that the Defendant has not stated adequate grounds for a continuance of the trial date at this time. The Court does find, however, that some additional time should be allowed to permit the parties to engage in plea negotiations.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Motion for Extension of Time to File Plea Agreement [Doc. 77] is **GRANTED**. The time for filing a plea agreement in this case is hereby **EXTENDED** to **August 26, 2009**.

IT IS FURTHER ORDERED that a ruling on the Defendant's Motion to Continue Docket Call/Trial [Doc. 76] is **DEFERRED** at this time.

Signed: August 21, 2009

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

